

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2954 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in Cr.No.107 of 2021, pending on the file of P.S., Keesara, R.R.District. The petitioners herein are accused Nos.1 to 7 in the said crime. The offences alleged against them are under Sections 408 and 420 of IPC.

2. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor. Perused the record.

3. The petitioners herein are ex-employees of Water Health India Private Limited. According to them, they have submitted their resignations. Despite accepting their resignations, the said Company have not paid gratuity and other benefits to them. They have filed an application under Section 7 of the Payment of Gratuity Act, 1972 read with Rule 10 (1) of the Payment of Gratuity (central) Rules and the Assistant Labour Commissioner (Central) Hyderabad vide order dt.09.12.2020 directed the said Company to pay gratuity to the petitioners along with 10% interest. In spite of complying with the said order, the said Company implicated the petitioners herein in a false case alleging that they have diverted the work orders to another Company. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation.

4. Considering the above said aspects and also the fact that the punishment for the offences alleged against the petitioners herein is seven years or below seven years, this Criminal Petition is disposed of directing the Investigating Officer in Cr.No.107 of 2021, pending on the file of P.S., Keesara, R.R.District, to strictly follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar and another.*** Till the investigation is completed and final report is filed, the Investigating Officer shall not arrest the petitioners herein. However, the petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 09.04.2021
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